

WTC Buildings 1, 2 & 7 Plans Exempt From Disclosure, Deemed “Sensitive Buildings”

[911 Blogger](#)

October 5, 2011

Within a September 13, 2011 FOI response from the New City Department of Buildings (DoB), it is noted that World Trade Center Buildings 1, 2 and 7 have been deemed sensitive buildings and thus, plans for these buildings have been exempted from disclosure by statute because “if disclosed, the documents requested would endanger the life or safety of any person.”

The DoB reply also affirms a previous finding that no elevator records whatsoever were located regarding the extensive elevator modernization within WTC buildings 1 and 2, one of the largest ever.[1] Additionally, the DoB reply advises that the Port Authority of NY/NJ are not under the jurisdiction of the NYC DoB and that records for major pre-9/11 renovations may not have been submitted to the DoB.

The Port Authority of NY/NJ have previously advised within FOI records that records for major pre-9/11 renovations within WTC buildings 1 and 2 were destroyed on September 11, 2001.[2]



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September 13, 2011

Aidan Monaghan

Las Vegas, [REDACTED]

Re: FOIL Appeal
One World Trade Center, New York, NY
Two World Trade Center, New York, NY
Seven World Trade Center, New York, NY

Dear Mr. Monaghan:

The New York City Department of Buildings ("the Department/DOB") is in receipt of your undated letter (received by DOB on August 9, 2011) that treats the Department's failure to provide documents responsive to a June 14, 2011 FOIL request as a constructive denial. On June 20, 2011, the Department informed you that it was in receipt of your FOIL request and was working to determine if it had any of the requested documents. You are treating this determination as a constructive denial based on the fact that the Department did not provide an update within the 30 days as stated, and that the Department is still working on your request.

Your FOIL request and appeal asks for the following DOB records:

(1) Copies of applications submitted to and permits issued by the New York City Department of Buildings pertaining to construction projects performed at the former World Trade Center buildings 1, 2 and 7, between January 1993 and January 2002. Such records include, but are not limited to: "After Hours Variance" applications and permits; "Asbestos Abatement" applications and permits and "Electrical" applications and permits.

(2) Copies of applications ("Elevator Application" or "EA") submitted to the NYC Department of Buildings regarding elevator modernization/renovation work performed at the World Trade Center buildings 1 and 2 during the 1990s and 2000s.

(3) The "Building Identification Numbers" (BIN) for the former World Trade Center Buildings 1, 2, and 7.

As to your request for permits pertaining to construction projects (set forth in number one above), all public records maintained by DOB are routinely made available for public inspection at the office/division of the New York City Department of Buildings at which said records are maintained. Please contact the Manhattan Borough Office (212-566-0268), located at 280 Broadway, New York, New York 10007 to determine the hours at which the records you requested are available.



I am told that Asbestos Abatement" applications are filed with the New York City Department of Environmental Protection ("DEP"), so the Department would not have any responsive records. Please direct your request for these records to DEP.

As to request number 2, BIS shows no elevator records during the time period requested.

As to request number 3, I am advised by the Director of Application Support that our system is not able to provide BIN information by dates. Since there is no record containing this information, your request is for information that is not properly a FOIL request, since FOIL applies only to existing records.

Please keep in mind that since the Port Authority of New York is not under DOB jurisdiction, it may not have filed with DOB for work undertaken at the above reference properties.

Also, please note that 1, 2 and 7 World Trade Center have been designated as "sensitive buildings." Pursuant to 87(2) (f) of the Public Officer's Law, plans for sensitive buildings are not released under FOIL, on the grounds that, "if disclosed, the documents requested would endanger the life or safety of any person."

This constitutes the Department's final determination.

Sincerely,

Janine A. Gaylard
Assistant General Counsel/Records Appeals Officer

cc: Juliet Neisser, Associate General Counsel
Angela Orridge, Records Access Officer
Robert Freeman, Committee on Open Government, Dept. of State

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Janine A Gaylard Assistant General Counsel/Records Appeals Officer

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[1] NYC Dept. of Buildings: No Records for Pre-9/11 WTC Elevator Rebuild, One of the “Largest, Most Sophisticated” Ever

<http://911blogger.com/news/2011-06-16/nyc-dept-buildings-no-records-pre-...>

[2] Port Authority of NY/NJ: Records For Reported WTC Renovation Work Destroyed On 9/11

<http://911blogger.com/news/2009-04-21/port-authority-nynj-records-report...>

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